

State of New Jersey
Executive Order #12
Governor Richard J. Codey

WHEREAS, the marine and coastal environment is an important natural resource and the subject of a public trust administered by government for the benefit of all citizens; and

WHEREAS, the marine and coastal environment is also an important economic and recreational resource; and

WHEREAS, the protection of this resource is a primary responsibility of state government; and

WHEREAS, the protection of this resource requires adequate planning and regulation; and

WHEREAS, as part of a much-needed effort to reduce air pollution and other negative consequences of relying too heavily fossil and nuclear fuels, the State of New Jersey has actively encouraged the use of renewable energy including solar and wind power; and

WHEREAS, there has been significant interest in the use of coastal waters for the development of wind turbine facilities; and

WHEREAS, the development of offshore wind turbine facilities has the potential to affect marine, recreational, avian and scenic resources and other offshore and onshore uses; and

WHEREAS, the State is committed to the use and production of electricity through renewable resources and through responsible planning and regulation; and

WHEREAS, the State has the authority to regulate activities occurring in the coastal zone, including its three nautical mile territorial sea, pursuant to the Submerged Lands Act of 1953, 43 U.S.C. 1301 et seq.; Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; Waterfront Development Act, N.J.S.A. 12:5-3; Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; and State Tidelands law; and

WHEREAS, the State of New Jersey has Federal Consistency review authority pursuant to Section 307 of the Coastal Zone Management Act, 16 U.S.C. 1451 et seq., for activities occurring in its coastal zone and in Federal waters where there is a reasonably foreseeable effect on the uses and resources of New Jersey's coastal zone; and

WHEREAS, prior to the construction of any offshore wind turbine facilities, there is a vital need for the State of New Jersey to identify and weigh the costs and benefits of such development and to determine if building such facilities is appropriate; and

WHEREAS, there is a vital need for the State to develop policies governing the development of offshore wind turbine facilities, if these facilities are found to be appropriate and in the public interest;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER AND DIRECT:

1. There is hereby created a Blue Ribbon Panel on Development of Wind Turbine Facilities in Coastal Waters (hereinafter "Blue Ribbon Panel"), which shall consist of 9 members, including 6 public

members appointed by the Governor from among persons representing environmental, academic, tourism and local government interests, and 3 ex officio voting members, the Commissioner of the Department of Environmental Protection, the President of the Board of Public Utilities and the Chief Executive Officer and Secretary of the Commerce and Economic Growth Commission. The ex officio members may appoint a designee to serve on the Panel in their absence.

2. The Governor shall appoint one of the 6 public members to serve as Chair of the Blue Ribbon Panel. The members of the Panel shall serve at the pleasure of the Governor and shall not receive compensation for their service on the Panel.
3. The Blue Ribbon Panel is charged with identifying and weighing the costs and benefits of developing offshore wind turbine facilities, and considering both economic and environmental costs and benefits. The Blue Ribbon Panel shall also consider the need for offshore wind turbines and a comparison to other electric power sources, including fossil, nuclear and renewable fuels as part of the State's long-term electricity needs. The Blue Ribbon Panel shall submit to the Governor, within 15 months, a report providing policy recommendations regarding the appropriateness of developing offshore wind turbine facilities.
4. Prior to the issuance of its report, the Blue Ribbon Panel shall hold at least three public hearings to solicit input from the public and may hold meetings with stakeholders as necessary.
5. The Board of Public Utilities shall not fund, and the DEP shall not approve, the development of wind turbine facilities or supporting infrastructure in coastal waters for 15 months during the deliberations of the Blue Ribbon Panel.
6. The Department of Environmental Protection, the Board of Public Utilities and the Commerce and Economic Growth Commission shall provide staff assistance to the Blue Ribbon Panel. The Panel is authorized to call upon any department, office, division or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office, division and agency of this State is required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order.
7. This Order shall take effect immediately.

GIVEN, under my hand and seal this 23th day
of December in the Year of Our Lord, Two Thousand
and Four, and of the Independence of the United States,
the Two Hundred and Twenty-Ninth.

/s/ Richard J. Codey
Acting Governor

[seal]

Attest:

/s/ Paul T. Fader

Chief Counsel to the Governor